IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 365 OF 2006
IN
CRIMINAL APPEAL NO. 332 OF 2006

Omprakash Gulabdas Vaishnav ..Applicant
versus
State of Maharashtra ..Respondents

Smt. S. A. Dhamale for the Applicant.
Mrs. A. S. Pai, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
S. A. BOBDE,JJ.

DATE : 22ND JUNE, 2006

P.C. :

1. Heard learned Advocate for the Applicant - accused and learned APP for the State.

2. Accused is convicted under Section 302 of IPC and sentenced to imprisonment for life. He is also convicted under other offences.

3. Accused was in service of military and he was posted at Jammu from 7.6.2004. He took leave, but he did not resume his duty at Jammu. He was told by somebody that his wife is having illicit relations with the complainant and his brother Vinod. Wife of the accused asked complainant to

pacify her husband. On 26.8.2004 accused called the complainant and asked him whether he and his brother is having illicit relation with his wife. Complainant replied in the negative. Wife of the applicant - accused was also accused No.2, but she was acquitted by the trial court. She is alleged to have told this accused that Vinod forcibly compelled her to keep such relations with him. Then accused called upon the said Vinod at his house at 4.00 p.m. and then immediately Vinod died as a result of shot fired from a rifle. In this background of the aforesaid facts, the trial court held that this accused had a strong motive to kill Vinod. That motive stood proved by the evidence of Anil Panchal. Most important circumstance that was considered by the trial court along with others is that immediately after this incident, the accused consumed poison. These are the two strong circumstances, which disentitle the accused to bail.

4. In the result, Criminal Bail Application No. 365 of 2006 is dismissed.

(D.G. DESHPANDE, J.)

(S.A. BOBDE, J.)